

REMARKS

Claim Amendments

Claims 1, 6, 11, 13, 17, 19, 22, 25, 26, 28, 35, 37 and 39-43 are canceled. Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the invention of these claims. Applicants do not hereby abandon or waive any rights in the invention in these canceled claims.

Claims 2-5, 12, 14, 16, 18, 20, 23, 24, 27, 29-34, 36, 38 and 46-49 are amended.

Claims 2, 3, 5, 14, 16, 24, 30-34, 36 and 46-49 are amended to change claim dependency in view of the claims presently canceled.

Claim 4, which previously depended from Claim 1 (now canceled), is amended to incorporate the claimed subject matter of Claim 1. Claim 4 is also amended to delete reference to monoclonal antibodies 1G1 and 2B10 in the recited Markush group.

Claim 12, which previously depended from Claim 11 (now canceled), is amended to incorporate the claimed subject matter of Claim 11. Claim 12 is also amended to delete reference to monoclonal antibodies 1G1 and 2B10 in the recited Markush group.

Claims 18, 20, 23, 27, 29 and 38, which previously depended from Claims 13, 19, 22, 25, 28 and 35, respectively, are amended to incorporate the claimed subject matter of Claims 13, 19, 22, 25, 28 and 35, respectively. As noted above, Claims 11, 13, 19, 22, 25, 28 and 35 are now canceled.

The amendments are all supported by the application and claims as originally filed. No new matter is added.

Objection to Claims 18, 20, 21, 23, 27, 29 and 38

The Examiner objected to Claims 18, 20, 21, 23, 27, 29 and 38 as being dependent upon a rejected base claim, but stated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Accordingly, Applicants have amended Claims 18, 20, 23, 27, 29 and 38. Claim 21 depends on newly amended Claim 20.

Rejection of Claims 4 and 12 Under 35 U.S.C. §101

The Examiner rejected Claims 4 and 12 under 35 U.S.C. §101 as claiming the same invention as that of Claims 11 and 40 of U.S. Patent No. 6,488,930.

Applicants have canceled from Claims 4 and 12 the subject matter that is already claimed in U.S. Patent No. 6,488,930 as Claims 11 and 40. Claims 4 and 12, as amended, do not claim the same invention as claimed in U.S. Patent No. 6,488,930.

Obviousness-type Double Patenting Rejection of Claims 1-6, 11, 12, 39-41 and 46-49

Claims 1-6, 11, 12, 39-41 and 46-49 are rejected by the Examiner under the judicially-created doctrine of obviousness-type double patenting over Claims 1-64 of U.S. Patent No. 6,488,930.

Applicants submit concurrently herewith a Terminal Disclaimer, which disclaims the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of prior U.S. Patent No. 6,488,930.

Rejection of Claims 1-3, 5, 6, 11, 13-17, 19, 22, 24-26, 28, 30-37, 39-43 and 46-49 Under 35 U.S.C. §103(a)

The Examiner rejected Claims 1-3, 5, 6, 11, 13-17, 19, 22, 24-26, 28, 30-37, 39-43 and 46-49 under 35 U.S.C. §103(a) as being unpatentable over Power *et al.* in view of Chuntharapai *et al.*

Applicants respectfully disagree. However, in view of Applicants' cancellation of Claims 1, 6, 11, 13, 17, 19, 22, 25, 26, 28, 35, 37 and 39-43, in addition to the amendments to Claims 2, 3, 5, 14-16, 24, 30-34 and 36, the rejection is moot. Claims 2, 3, 5, 14-16, 24, 30-34, 36 and 46-49, as amended, depend on claims which are not subject to the present rejection. Thus, Claims 2, 3, 5, 14-16, 24, 30-34, 36 and 46-49, being dependent claims, are not obvious in view of Power *et al.* in view of Chuntharapai *et al.*

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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Dated: March 3, 2004